

TOXIC SUBSTANCES CONTROL ACT12-1. Inspections and Subpoenas


1. **AUTHORITY.** Pursuant to the Toxic Substances Control Act, including Section 11:
 - a. To inspect any establishment, facility, or other premises in which chemical substances, mixtures, or articles containing chemical substances or mixtures, are manufactured, processed, stored, or held before or after their distribution in commerce, and any conveyance being used to transport chemical substances, mixtures, or such articles in connection with distribution in commerce.
 - b. To obtain and execute warrants for the purpose of performing inspections and conducting information gathering.
 - c. To carry out any other inspection and information gathering activities authorized by the TSCA.
 - d. To require the carrying out of any other inspection and information gathering activities authorized by the TSCA.
 - e. To require by subpoena the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information.
 - f. To designate representatives of the Administrator to perform the functions in paragraphs 1.a., 1.b., 1.c., 1.d., and 1.e.
2. **TO WHOM DELEGATED.** Chief, Air Enforcement Branch.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must consult with the regional counsel or designee prior to requesting warrants or issuing subpoenas.
 - b. Any official exercising this authority must obtain concurrence from the RC or designee prior to issuing any written request for information. The RC may waive concurrence in writing.
4. **REDELEGATION AUTHORITY.**
 - a. The authorities in 1.a., 1.b., 1.c., and 1.e. may be redelegated to the staff level.
 - b. The authorities in 1.d. and 1.f. may not be redelegated.
 - c. Employees possessing credentials under the TSCA are redelegated the authorities in 1.a., 1.b., 1.c., and 1.e. by virtue of the issuance of such credentials.
 - d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

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5. **ADDITIONAL REFERENCES.**

- a. Sections 11(a)-(c) of the TSCA.
- b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."



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Date

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